

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

In re:	)	BANKRUPTCY CASE
	)	NO. 23-20417-drd-13
LARRY WALTER BRANDES	)	
AND	)	
ANGELA DAWN BRANDES	)	
	)	ADVERSARY CASE NO.
Debtor(s)	)	23-2009-can
	)	
RICHARD V. FINK, STANDING	)	
CHAPTER 13 TRUSTEE,	)	
Plaintiff	)	
	)	
vs.	)	
	)	
GLOBAL LENDING SERVICES LLC	)	
1200 BROOKFIELD BLVD.	)	
SUITE 300	)	
GREENVILLE, SC 29607	)	
	)	
Defendant(s).	)	

### AGREED ORDER AND JUDGMENT

COMES NOW Richard V. Fink, the Standing Chapter 13 Trustee, and Creditor, Global Lending Services LLC, by and through counsel, and hereby stipulate and agree as follows:

- 1) On November 30, 2023, Richard V. Fink (“Plaintiff”) filed adversary complaint 23-2009-can against Defendant Global Lending Services LLC (“Defendant”).
- 2) The complaint sought to avoid the transfer by Larry Walter Brandes and Angela Dawn Brandes (“Debtors”) to Defendant regarding the granting of a security interest in a 2012 Toyota Camry with VIN 4T1BF1FK4CU073242 (“Vehicle”).
- 3) The parties hereto acknowledge that:
  - a. On or around June 2, 2023, Debtors purchased the Vehicle. Defendant is the current holder of a Loan Agreement with Debtors executed on or around June 2, 2023.
  - b. According to information Plaintiff obtained from the Missouri Department of Revenue, Debtors had not yet titled the Vehicle as of the filing of this adversary proceeding.

- c. According to information Plaintiff obtained from the Missouri Department of Revenue, Defendant filed a Notice of Lien on or around July 7, 2023.
- d. Defendant's security interest in the Vehicle was perfected when Defendant filed the Notice of Lien, which occurred more than 30 days from the purchase date.
- e. Debtors filed for relief under Chapter 13 of Title 11 of the United States Code on August 30, 2023 and were insolvent at the time of the transfer.
- f. Defendant's security interest in the vehicle was perfected within the 90-day period prior to the filing of the bankruptcy petition but outside of the 30 days allowed for the perfection of such interest pursuant to 11 U.S.C. §547(b) & (c)(3)(B).
- g. The perfection of the security interest was a transfer for or on account of an antecedent debt owed by Debtors before said transfer was made and would allow Defendant to receive more than Defendant would receive if the Debtors filed a case under Chapter 7 of Title 11 of the United States Code.
- h. Plaintiff asserts that the security interest of Defendant in the Vehicle is avoidable under 11 U.S.C. §547 and that the property may be preserved for the benefit of estate pursuant to 11 U.S.C. §550 and §551.

**IT IS THEREFORE ORDERED:**

- 1) Global Lending Services LLC's lien on the 2012 Toyota Camry with VIN 4T1BF1FK4CU073242 is avoided pursuant to 11 U.S.C. §547 and the property is preserved for the benefit of the bankruptcy estate pursuant to 11 U.S.C. §550 and §551.
- 2) For the purposes of Debtors' Chapter 13 case, Global Lending Services LLC's claim 14 or any amended claim shall be treated as a non-priority unsecured claim; and
- 3) Upon successful completion of a Chapter 13 plan by Debtors and entry of a discharge order, Global Lending Services LLC will execute and deliver to Debtors a release of lien. If the Debtors convert the case to a Chapter 7 case, Global Lending Services LLC shall release its lien to the Chapter 7 Trustee.
- 4) In the event that Debtor's Chapter 13 bankruptcy case is dismissed, Global Lending Services LLC's interest shall, as provided in 11 U.S.C. §349(b), remain unaffected by the bankruptcy or this Order. Any payments made to Global Lending Services LLC during the pendency of the bankruptcy shall be applied to any debt owed by the Debtors to Global Lending Services LLC, in accordance with the pre-petition agreement between Global Lending Services LLC and the Debtors and applicable law.

**IT IS SO ORDERED.**

Dated: January 12, 2024

/s/ Cynthia A. Norton

Cynthia A. Norton

UNITED STATES BANKRUPTCY JUDGE

Submitted and Approved by:

/s/ Dana M. Estes

Dana M. Estes, #47540

Staff Attorney

Office of the Chapter 13 Trustee for the Western District of Missouri

Richard V. Fink, Trustee

2345 Grand Blvd., Ste. 1200

Kansas City, Mo. 64108

816-842-1031 Telephone

816-221-8529 Facsimile

Approved by:

/s/ Wesley T. Kozeny

Wesley T. Kozeny #34600

Bonial & Associates, P.C.

12400 Olive Blvd., Suite 555

St. Louis, MO 63141

314-991-0255 Telephone

314-991-6755 Facsimile